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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,941	01/04/2002	Wendell B. Colson	4686/00004	4413

22910 7590 10/15/2004

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EXAMINER	
BEFUMO, JENNA LEIGH	

ART UNIT	PAPER NUMBER
1771	

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/869,941	COLSON ET AL.	
	Examiner	Art Unit	
	Jenna-Leigh Befumo	1771	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on *04 October 2004*. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☒ The proposed amendment(s) will not be entered because:

 (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);

 (b) ☐ they raise the issue of new matter (see Note below);

 (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

 (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

 NOTE: *The limitation that the adhesive is discontinuous has not been previously considered*.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

 The status of the claim(s) is (or will be) as follows:

 Claim(s) allowed: _____.

 Claim(s) objected to: _____.

 Claim(s) rejected: *158-199*.

 Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☒ Other: *See Continuation Sheet*

Continuation of 5. does NOT place the application in condition for allowance because: The applicant argues that the double patenting rejection over US 10/088,576 should be withdrawn since the present claims do not require that the nonwoven fabric to be made by the specific pressure lamination apparatus recited in the other case. However, as set forth in the previous Office Action it is not felt that the apparatus as claimed adds any specific structural limitations to the claimed nonwoven fabric. While the applicant provides teaching from the disclosure that fabrics made by the specific apparatus can have special properties these properties are not claimed and the method of making the fabric in the claimed apparatus is also not claimed. Therefore, the claim fails to recite any specific limitations that manipulatively effect the structure of the nonwoven fabric itself. Further, the claims are also considered to meet the two-way analysis requirement since both claims require two sets of perpendicular yarns which are laminated together by a film of adhesive. The applicant also argues that the double patenting rejection over 10/088613 should be withdrawn since the applicant has withdrawn claims 9 - 16 from consideration. However, these claims have not been cancelled and are therefore, still pending. Hence, the double patenting rejection is maintained. Further, the arguments drawn to the prior art rejections are drawn to the non-entered amendment and do not overcome the rejections.

Continuation of 10. Other: The applicant's request for an interview is denied since the request was submitted after final rejection..

CHERYL A. JUSKA
PRIMARY EXAMINER